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Clarification on Proposed SJPd Tow Policy Changes

SAN JOSE, CALIF. – Based on some reports that have appeared in the radio and television media, it is apparent that substantial misunderstanding has arisen regarding the San José Police Department's pending change of course relating to the impound of vehicles seized for violations of the Vehicle Code relating to the driver's lack of a valid license.

Obviously, we're put at some disadvantage to be able to point to specific language of the new policy, because the story broke before Acting Police Chief Christopher Moore could issue a formal document detailing the change. Nonetheless, based upon my own conversations with Chief Moore and his staff, and contrary to some media reports, the public should know more precisely what *will* likely change – and more importantly, what *won't*:

- The pending policy will do nothing to stop SJPd's practice of vigilant enforcement of misdemeanor violations of Vehicle Code §§ 14601 (prohibiting driving with a suspended license) or § 12500 (prohibiting driving without a license). As I understand it, SJPd officers will continue to arrest, cite, and issue misdemeanor warrants to any driver who drives with a suspended license or without a license, *regardless of the reason for the suspension or lack of license*. Those persons will continue to be subject to whatever penalties are provided under the law, depending on the charging decision of the District Attorney's office.
- In those instances where the driver has lost their license, or has had it suspended, for criminal violations relating to safety or significant criminal conduct, the car will continue to be towed, and subjected to a 30-day impound. In other words, there will be no change in SJPd's practice where an officer sees that a driver has had their license suspended for driving under the influence of alcohol or an intoxicant (VC §14601.2), refusal to submit to a chemical test (VC §14601.5), exhibiting a record with several moving violations (VC §14601.3), or any violent or drug-related criminal offense.
- Only in those limited circumstances where no underlying safety-related criminal conduct caused the suspension will the SJPd employ the use of VC §22651(p), which will result in a towing of the vehicle, but no 30-day impound.
- Any change in policy that the Office of the District Attorney may contemplate regarding its own charging discretion related to these offenses is independent of SJPd's decision regarding the enforcement of these offenses.